

WEST FERTILIZER PLANT EXPLOSION, WEST, TX

QUESTION: What role does EPA have in response to the explosion at the West Fertilizer plant?

ANSWER:

- On May 16, 2013, the Texas State Fire Marshal's Office (SFMO) and the Bureau of Alcohol, Tobacco, Firearms and Explosives National Response Team (ATF), along with ATF Special Agents from the Houston Field Division, announced the conclusion of the scene investigation at the West Fertilizer Plant fire and explosion that occurred on April 17, 2013. Both agencies have ruled the cause of the fire as "undetermined."
- EPA will take appropriate action if environmental violations or crimes are identified during the course of the Texas Fire Marshal's criminal investigation of the West Texas Fertilizer Plant explosion. EPA does not, however, discuss specific details of potential or ongoing enforcement matters.
- EPA is currently supporting the recovery efforts to the primary state agencies responsible for demolition (NESHAP) and debris management. We are offering regulatory guidance, scientific expertise, as well as best practices from previous experience.
- EPA no longer has a full time daily presence in West and demobilized on May 3.
- At the request of the State of Texas, and in coordination with FEMA and other federal agencies, EPA Region 6 deployed response personnel to the facility after the explosion. EPA performed air monitoring in residential areas around the site for chemicals including volatile organic compounds, hydrogen sulfide, ammonia, carbon monoxide, and the lower explosive limit of methane gas. Monitoring results collected from April 18 through May 1 did not exceed actionable levels. In addition, EPA collected nine (9) soil samples for pesticide/herbicide testing. None of the soil samples exceeded actionable levels.

BACKGROUND:

- On April 17, 2013, a large explosion occurred at the West Fertilizer facility. The cause of the explosion has not yet been determined.
- The West Fertilizer facility is regulated under the following EPA programs:
 1. **Risk Management Program (RMP)** - The facility is subject to the RMP regulations because the quantity of anhydrous ammonia on-site exceeds 10,000 lbs. EPA Region 6 conducts inspections to assure compliance with RMP requirements.
 2. **Emergency Planning and Community Right-to-Know Act (EPCRA)** - The facility is subject to EPCRA sections 311 & 312 (annual chemical inventory reporting requirement). The facility submitted a Tier II report to TCEQ which identified a maximum daily amount of 54,000 lbs of ammonia (anhydrous), and

540,000 lbs of ammonium nitrate, which can be used both as a fertilizer and explosive.

3. **Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)** - The facility is registered with the EPA as a Pesticide Producer Establishment. They are required to file a yearly report with EPA. The report is classified as Confidential Business Information (CBI) and accessible only by authorized personnel.

WEST FERTILIZER – RMP INSPECTIONS:

- EPA conducted an RMP inspection at the West Fertilizer facility on March 16, 2006. At that time, inspectors identified deficiencies including: failure to update its RMP in a timely manner; failure to document that hazards identified in the hazard review had been addressed; operating procedures failed to address consequences of deviation; poor employee training records; and the company had not developed a formal, written maintenance program. The facility was fined \$2,300 by EPA in 2006, and the company certified they corrected the deficiencies at that time.
- The company submitted its 5-year update RMP on June 30, 2011. The next update is due on June 20, 2016. The RMP inspection did not evaluate the facility's storage of ammonium nitrate, as that chemical is not covered under RMP regulations.